

P.C. 0009.96



PATENT

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81-11-01
PW

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re application of)
)
Peggy M. Tomasula) Group Art Unit 1761
) Examiner P. Dubois
Production of High Protein)
Concentrates)
)
Serial No. 09/247,219)
)
Filed February 10, 1999)

The Honorable
The Assistant Commissioner for Patents
Sir:

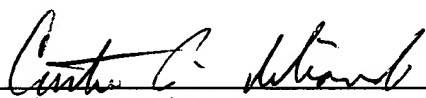
PRELIMINARY REMARKS

Please note in Applicant's response mailed December 6, 2000, as an amendment to parent application 09/247,219 filed on February 10, 1999, that on page 4, the first full paragraph, line 3, the word "deduction" should be "reduction".

Respectfully submitted,

Peoria, IL

309/681-6512
FAX 309/681-6688
202/720-5474


Curtis P. Ribando, Agent of Record
Registration Number 27,976

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on

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01-03-01

CPA/17614

PTO/SB/29 (8/98)

Approved for use through 09/30/2000. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.
(Only for Continuation or Divisional applications under 37 C.F.R. § 1.53(d))

CHECK BOX, if applicable:
☐ DUPLICATE

Address to:

Assistant Commissioner for Patents
Box CPA
Washington, DC 20231

Attorney Docket No.

0009.96

First Named Inventor

Peggy M. Tomasula

Express Mail Label No.

EG385033124US

Total Pages

5

This is a request for a ☒ continuation or ☐ divisional application under 37 C.F.R. § 1.53(d),
(continued prosecution application (CPA)) of prior application number 09/247,219, filed on
February 10, 1999, entitled Production of High Protein Concentrates.

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. § 1.51(b), and filed on or after June 8, 1995, or (2) the national stage of an international application in compliance with 35 U.S.C. 371.

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

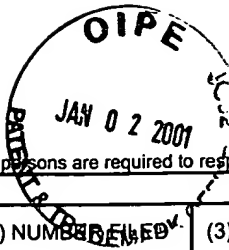
35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. § 1.78(a).

1. ☒ Enter the unentered amendment previously filed on December 6, 2000, under 37 C.F.R. § 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53 (d)(4).
 - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
 - a. ☐ PTO-1449
 - b. ☐ Copies of IDS Citations

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.



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CLAIMS	(1) FOR	(2) NUMBER	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 C.F.R. § 1.16(c))	11 - 20 =		x \$ _____ =	\$
	INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b))	1 - 3 =		x \$ _____ =	
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. § 1.16(d))			+ \$ _____ =	
				BASIC FEE (37 C.F.R. § 1.16)	710.00
				Total of above Calculations =	710.00
	Reduction by 50% for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27 & 1.28).				
	TOTAL =				710.00

6. Small entity status:

- a. ☐ A small entity statement is enclosed.
 b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
 c. ☐ Is no longer claimed.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 01-0455:

- a. ☒ Fees required under 37 C.F.R. § 1.16.
 b. ☒ Fees required under 37 C.F.R. § 1.17(a)(1). Extension for response within first month fee of \$110.00
 c. ☐ Fees required under 37 C.F.R. § 1.18.7.

8. ☐ A check in the amount of \$ _____ is enclosed

9. Other: _____

NOTE:

*The prior application's correspondence address will carry over to this CPA
 UNLESS a new correspondence address is provided below.*

10. NEW CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

(insert customer No. or Attach bar code label here)

or ☐ New correspondence address below

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ADDRESS					
CITY	STATE	ZIP CODE			
COUNTRY	TELEPHONE	FAX			

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11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT
REQUIRED

NAME	Curtis P. Ribando
SIGNATURE	<i>Curtis P. Ribando</i>
DATE	January 2, 2001